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May 19, 2021

**VIA ECF**

The Honorable Rachel P. Kovner  
United States District Court – Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Alex Goldman v. Catherine Reddington*  
Case No. 1:18-cv-03662(RPK)(ARL)

Dear Judge Kovner,

On behalf of defendant Catherine Reddington (“Ms. Reddington”), we write to respectfully request that this Court grant her leave to file a response (“Response”) to Plaintiff’s objections (“Objections”) (ECF No. 119) to Magistrate Judge Arlene K. Lindsay’s Report and Recommendation (“R&R”) concerning Ms. Reddington’s Motion to amend her pleading to add a counterclaim and affirmative defense pursuant to New York’s Anti-SLAPP (“Anti-SLAPP Counterclaim Motion”) (ECF No. 116).<sup>1</sup>

On April 21, 2021, Magistrate Judge Lindsay issued her R&R recommending that the Court grant Ms. Reddington’s Anti-SLAPP Counterclaim Motion. (ECF No. 116). By letter dated May 5, 2021, Plaintiff Alex Goldman filed Objections to the R&R challenging Magistrate Judge Lindsay’s ruling. (ECF No. 119).

Ms. Reddington respectfully submits that in filing his Objections, Plaintiff ignored the dispositive/non-dispositive issue entirely and failed to set forth the applicable standard of review for this Court to undertake in assessing the R&R. Moreover, Plaintiff’s submission contains critical mischaracterizations which, if left undisturbed and unaddressed, threaten to mislead this Court and confuse issues concerning both Plaintiff’s claims and Defendant’s proposed counterclaims. Ms. Reddington therefore respectfully requests leave to submit a short response to Plaintiff’s objections in order to assist the Court in its analysis of those objections.

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<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 72, for dispositive issues, a party may respond to objections within 14 days. *See* Fed. R. Civ. P. 72(b)(2). The Rule, however, is silent on a non-objecting party’s ability to respond to objections on a non-dispositive issue as of right. As this Court is aware, the issue of whether a magistrate’s R&R on a motion for leave to file a counterclaim qualifies as a dispositive or non-dispositive issue is not yet settled in the Second Circuit. *See Dorsainvil v. City of New York*, 2020 WL 6482348 (E.D.N.Y. Nov. 4, 2020) (Kovner, J.). Given this uncertainty, Ms. Reddington brings the instant motion.

Hon. Rachel P. Kovner

May 19, 2021

Page 2

With this motion, we attach our proposed Response. We thank the Court for its consideration.

Respectfully submitted,



Sandra L. Musumeci

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